

## **MINUTES**

### **MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Keith Regier, on January 4, 2017 at 8:00 AM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Keith Regier, Chair (R)  
Sen. Jennifer Fielder, Vice Chair (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Jedediah Hinkle (R)  
Sen. Margaret (Margie) MacDonald (D)  
Sen. Mary Moe (D)  
Sen. Scott Sales (R)  
Sen. Diane Sands (D)  
Sen. Nels Swandal (R)  
Sen. Chas Vincent (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 20, 12/30/2016; SB 21, 12/30/2016; SB 28, 12/30/2016,  
Organizational Meeting, Adoption of Amended Committee Rules

**ORGANIZATIONAL MEETING**

00:00:36 Chairman Regier  
 00:01:22 Sen. Vincent  
 00:02:31 Sen. Moe  
 00:03:43 Sen. Gross  
 00:04:22 Sen. Sales  
 00:04:47 Sen. Hinkle  
 00:05:17 Sen. Sands  
 00:06:29 Chairman Regier  
 00:07:21 Julianne Burkhardt, Legislative Services Division (LSD)  
 00:08:21 Sen. Fielder  
 00:09:37 Sen. Swandal  
 00:10:54 Sen. Hinebauch  
 00:12:42 Sen. MacDonald  
 00:15:25 Bobby Lavinder, committee aide  
 00:16:19 Pam Schindler, committee secretary  
 00:17:15 Chairman Regier  
 00:27:03 Ms. Burkhardt, LSD

[EXHIBIT\(jus03a01\)](#)

[EXHIBIT\(jus03a02\)](#)

[EXHIBIT\(jus03a03\)](#)

[EXHIBIT\(jus03a04\)](#)

00:31:09 Ms. Schindler  
 00:32:17 Sen. Sands  
 00:33:39 Chairman Regier  
 00:33:43 Sen. Gross  
 00:33:56 Chairman Regier  
 00:34:16 Sen. Hinkle  
 00:34:35 Chairman Regier

00:34:38 **Motion:** Sen. Hinkle moved that the **COMMITTEE RULES BE AMENDED IN SECTION A, #4, "INFORMATIONAL WITNESSES MAY ONLY GIVE THEIR NAME AND WHOM THEY REPRESENT AND/OR THEIR EXPERTISE. ADDITIONAL INFORMATION MAY ONLY BE GIVEN TO THE COMMITTEE MEMBERS UPON QUESTIONING FROM COMMITTEE MEMBERS."**

**Discussion:**

00:35:19 Sen. Fielder  
 00:36:03 Ms. Burkhardt  
 00:36:30 Sen. Hinkle  
 00:36:35 Sen. Sands  
 00:37:04 Sen. Sales  
 00:37:42 Chairman Regier  
 00:37:47 Sen. Hinkle  
 00:37:51 Sen. MacDonald  
 00:38:53 Sen. Gross  
 00:39:13 Sen. Fielder

00:40:20 Chairman Regier  
 00:40:27 Sen. Hinkle  
 00:40:46 Ms. Burkhardt  
 00:41:15 Sen. Moe  
  
 00:42:04 **Vote:** Motion carried 7-4 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe and Sen. Sands voting no.  
  
 00:42:54 Sen. Moe  
  
 00:43:36 **Motion/Vote:** Sen. Hinkle moved that the **COMMITTEE RULES BE ADOPTED AS AMENDED**. The motion carried 10-1 by roll call vote with Sen. Sands voting no.  
  
 00:44:47 Chairman Regier  
  
 00:44:51 Recessed  
 00:59:40 Reconvene

### **HEARING ON SB 21**

#### **Opening Statement by Sponsor:**

01:00:28 Sen. Edward Buttrey (R), SD 11, opened the hearing on SB 21, Code commissioner bill.

#### **Proponents' Testimony:**

01:01:15 Todd Everts, code commissioner, Legislative Services Division (LSD)

#### **Opponents' Testimony:**

None

#### **Informational Testimony:**

None

#### **Questions from Committee Members and Responses:**

01:02:53 Sen. Fielder  
 01:03:12 Mr. Everts, LSD

#### **Closing by Sponsor:**

01:04:52 Sen. Buttrey

**HEARING ON SB 28**

**Opening Statement by Sponsor:**

01:05:26 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 28, Allow Water Court review of certain DNRC decisions.

**Proponents' Testimony:**

01:11:04 Abigail St. Lawrence, Montana Association of Realtors (MAR)  
01:13:53 Mike Murphy, Montana Water Resources Association (MWRA)  
01:15:12 Chelcie Cargill, Montana Farm Bureau Federation (MFBF)  
01:16:16 Levi Ostberg, Montana Farmers Union (MFU)  
01:16:51 Bill Fanning, self, former water master/Montana Water Court

[EXHIBIT\(jus03a05\)](#)

01:19:19 Nancy Zalutsky, self

[EXHIBIT\(jus03a06\)](#)

01:20:04 Colleen Coyle, self, attorney

**Opponents' Testimony:**

01:22:05 Krista Lee Evans, Association of Gallatin Agriculture Irrigators (AGAI)  
01:27:34 John Tubbs, director, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT\(jus03a07\)](#)

01:34:01 Jay Bodner, Montana Stockgrowers Association (MSGA), Montana Cattle Women Association (MCWA)

01:35:01 Brian Ohs, Montana Trout Unlimited (MTU)

**Informational Testimony:**

01:37:09 Beth McLaughlin, administrator, Montana Supreme Court (MSC)

**Questions from Committee Members and Responses:**

01:37:43 Sen. Sands  
01:38:06 Sen. Vincent  
01:42:27 Chairman Regier  
01:42:31 Sen. Vincent  
01:42:51 Sen. Gross  
01:43:10 Ms. St. Lawrence, MAR  
01:44:53 Sen. Fielder  
01:45:21 Sen. Vincent  
01:46:45 Sen. Moe  
01:47:24 Ms. Evans, AGAI  
01:47:58 Sen. Moe

01:48:09 Ms. McLaughlin, MSC  
01:49:14 Sen. Moe  
01:49:35 Sen. Vincent

**Closing by Sponsor:**

01:52:48 Sen. Vincent

**HEARING ON SB 20**

**Opening Statement by Sponsor:**

01:54:35 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 20, Revise court administrator laws to eliminate IT reporting requirement.

**Proponents' Testimony:**

01:55:25 Beth McLaughlin, administrator, Montana Supreme Court (MSC)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:57:27 Sen. Sands  
01:58:06 Ms. McLaughlin, MSC  
01:58:53 Sen. Hinkle  
01:59:10 Ms. McLaughlin  
02:00:42 Chairman Regier  
02:00:58 Ms. McLaughlin

**Closing by Sponsor:**

02:01:51 Sen. Swandal

02:02:11 Chairman Regier  
02:02:46 Sen. MacDonald

**ADJOURNMENT**

Adjournment: 10:05 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus03aad.pdf](#))**